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IN THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL AT RAIPU
(CHHATTISGARH) (SPIS) 5 of 4/05

Original Application No. 725 /2002.

APPLICANTS : 1. Smt. Nilam Jaggi, Head Mistres,
Maharani Laxmi Bai, Girls Higher
Secondary School, Jagdalpur, Distt.
Bastar (C.G.).

2. Smt. Maya Kerma, Upper Division
Teacher, Maharani Laxmi Bai, Girls
Higher Secondary School, Jagdalpur
Distt. Bastar (C.G.).

3. Smt. Rashmi Shukla, Upper Division
Teacher, Maharani Laxmi Bai Girls
Higher Secondary School, Jagdalpur
Distt. Bastar (C.G.).

4. Ku. Sumangala Raj, Upper Division
Teacher, Maharani Laxmi Bai Girls
Higher Secondary School, Jagdalpur
Distt. Bastar (C.G.).

5. Smt. Milli Pal, Upper Division
Teacher, Maharani Laxmi Bai Girls
Higher Secondary School, Jagdalpur,
Distt. Bastar (C.G.).

6. Smt. Lakhi Jain, Upper Division
Teacher, Maharani Laxmi Bai Girls
Higher Secondary School, Jagdalpur
Distt. Bastar (C.G.).

7. Smt. Shanti Sethia, Upper Division
Teacher, Maharani Laxmi Bai Girls
Higher Secondary School, Jagdalpur
Distt. Bastar (C.G.).

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8. Smt. Kusum Das, Upper Division Teacher, Maharani Laxmi Bai Girls Higher Secondary School, Jagdalpur, Distt. Bastar (C.G.)

9. Smt. Anita Anand, Upper Division Teacher, Maharani Laxmi Bai Girls Higher Secondary School, Jagdalpur, Distt. Bastar (C.G.)

10. Mohd. Makeek Khan, Assistant Teacher, Maharani Laxmi Bai Girls Higher Secondary School, Jagdalpur, Distt. Bastar (C.G.)

11. Ku. B. Nagini Naidu, Assistant Teacher, Maharani Laxmi Bai Girls Higher Secondary School, Jagdalpur, Distt. Bastar (C.G.)

12. Smt. Minakshi Pandey, Assistant Teacher, Maharani Laxmi Bai Girls Higher Secondary School, Jagdalpur, Distt. Bastar (C.G.).

13. Smt. Sarita Pandey, Assistant Teacher, Maharani Laxmi Bai Girls Higher Secondary School, Jagdalpur, Distt. Bastar (C.G.)

14. Arbind Kumar Tripathi, Upper Division Teacher, Govt. Higher Secondary School (A.Ja.K.) Nainmoor, Tah. Jagdalpur, Distt. Bastar, (C.G.).

15. Anand Subramanyam Iyer, Upper Division Teacher, Govt. Higher Secondary School (A.Ja.K.), Nainmoor, Tah. Jagdalpur, Distt. Bastar (C.G.).

16. Lokeshwar Prasad Tiwari, Head Master, Govt. Middle School (A.Ja.K.), Nainmoor, Tah. Jagdalpur, Distt. Bastar (C.G.).

17. Suresh Kumar Tiwari, Upper Division Teacher Govt. Middle School (A.Ja.K.), Arrakot, Tah. Jagdalpur, Distt. Bastar (C.G.).

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18. Din Dayal Singh, Assistant Teacher, Govt. Middle School (A.Ja.K.), Bademarega, Tah. Jagdalpur, Distt. Bastar (C.G.)

19. Sucaru Ram Maurya, Assistant Teacher, Govt. Middle School (A.Ja.K.), Bademarega Murungpal, Tah. Jagdalpur, Distt. Bastar.

20. Smt. Asamati Maurya, Assistant Teacher, Govt. Primary School (A.Ja.K.) Sosampal, Tah. Jagdalpar, Distt. Bastar.(C.G.).

V E R S U S

RESPONDENTS : 1. Government of Chhattisgarh Through : The Secretary Tribal and Schedule Caste Welfare Department, Raipur (C.G.).

2. Commissioner, Tribal Development, Government of Chhattisgarh, Raipur(CG)

3. Collector (Tribal Development), Distt. Bastar at Jagdalpur (C.G.).

4. Assistant Commissioner, Tribal Development, Jagdalpur, Distt. Bastar (C.G.).

5. District Treasury Officer, Bastar at Jagdalpur (C.G.).

6. Assistant Director, Treasury, Accounts and Pension, Raipur (C.G.).

ORIGINAL APPLICATION UNDER SECTION 19 OF ADMINISTRATIVE TRIBUNAL ACT, 1985 :

DETAILS OF THE APPLICATION

1. PARTICULARS OF THE APPLICANTS :

As mentioned above in the cause title.

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HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (s) No. 5014 of 2005

Petitioners : Smt. Nilam Jaggi and 19 others
Versus
Respondents : Government of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Shri Subhash Yadav, Advocate for the Petitioners.
Shri V.V.S. Moorthy, Deputy Advocate General with Smt. Anju Ahuja, Deputy Government Advocate for the State/respondents.

ORDER

(31st October, 2006)

1. The petitioners are working as Assistant Teachers/Upper Division Teachers in the government schools. In the course of their services as Assistant Teachers/Upper Division Teachers, the petitioners have obtained B. Ed./B.T.I. examination certificates on their own expenses before 1.3.1999.

2. According to learned counsel for the petitioners, the petitioners are entitled to two advance increments in view of the decision of this Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (2006 (II) MPJR-CG 96). This Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), came to the conclusion that the teachers, who had obtained B. Ed./B.T.I. Examination Certificate on their own expenses, are covered by the circular dated 24.12.98 issued by the State Government of Madhya Pradesh.

3. Further in the matter of Smt. Manorama Shrivastava Vs. State of M.P. and others (2000 (1) M.P.L.S.R. 136) the Madhya Pradesh State Administrative Tribunal, Gwalior Bench, while considering the circular dated 1.3.1999 wherein, it is provided that the Assistant Teachers, who have acquired B. Ed. degree at their own cost between 23.10.1964 and 7.5.1973 shall be entitled to two advance increments, relied on decision in the case of Rakesh Kumar Shrivastava Vs. State of M.P. & others passed in O.A. No. 1632/99, decided on 12.10.1999 wherein it is observed that the

circular dated 1.3.1999 cannot be made applicable retrospectively. Thus, a teacher, may be Assistant Teacher, who has obtained B. Ed. degree before 1.3.1999 is entitled to two advance increments.

4. It is pointed out by learned counsel appearing for the petitioners that the then State of Madhya Pradesh had filed a Special Leave Petition against the orders passed by the Tribunal and the Hon'ble Supreme Court dismissed Special Leave Petition No. 1999/2000 filed against the order of the Tribunal. Therefore, the direction to the effect that the circular dated 1.3.1999 cannot be made applicable retrospectively, passed by the Tribunal, becomes final and the same shall be applicable to all the Assistant Teachers who have obtained B. Ed. examination certificate before 1.3.1999. It is further substantiated by a circular dated 17.10.2003 issued by the present State of Madhya Pradesh wherein the circular clearly states about the decision of the Supreme Court.

5. Learned counsel for the petitioners further submits that the facts and question of law involved in the present case are squarely covered by decision of this Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), to which learned counsel appearing for the respondents fairly concedes and agrees with the averment made by learned counsel appearing for the petitioners.

6. Accordingly, the writ petition is allowed in terms of the order passed in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), subject to verification of the fact as to whether the petitioners have acquired B. Ed./B.T.I. Examination Certificate on their own expenses as per the circulars dated 24.12.1998 and 1.3.1999 and further whether they have been paid two advance increments or not. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Subhash